

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: **John G Apostolopoulos et al**

Group Art Unit: **2661**

Serial No: **09/784,226**

Examiner:

Filed: **02/16/2001 (actual 01/19/2001)**

Confirmation No: **2518**

Title: **METHOD AND SYSTEM FOR PACKET COMMUNICATION  
EMPLOYING PATH DIVERSITY**

Attorney Docket: **10006736-1**

Date: **Oct. 19, 2006**

**AMENDMENT TO PETITION TO SECURE FILING DATE BY  
CORRESPONDENCE DELIVERED VIA EXPRESS MAIL UNDER 37 CFR 1.10**

Sir:

This amendment to the petition filed 8/3/06 is being filed to provide further details explaining why the petition was not filed until 8/3/06. This amendment includes a Certificate of Correction. The Certificate of Correction is submitted in order to provide a corrected filing date for the corresponding issued US Patent No. 6,868,083.

On 1/19/01 papers for a patent application were sent to the US Patent Office via Express Mail. The date in: is 1-19-01. Unfortunately, the USPTO filing receipt did not reflect this date.

On 7/18/06, Applicant's in-house attorney became aware of the discrepancy between the filing date (1/19/01) on the transmittal of the filed application and the filing date on the filing receipt (2/16/01). This discrepancy became apparent when the in-house attorney was reviewing a Japanese office action with the inventor. The inventor pointed out that the reference cited (his own publication) was actually published after the filing date of the application.

Since correcting the filing date is critical to remove the publication in the Japanese counterpart case, Applicant's in-house attorney filed a petition to secure the filing date on 8/3/06 with supporting documentation.

In more carefully reviewing the files to prepare this Amendment, Applicant's in-house attorney discovered a previous request to the US Patent Office to correct the filing date of the above-identified application that she was previously not aware of. This request to correct the filing date was made on 7/31/01. A copy of this request is submitted as **Exhibit A**.

In response to this request, an updated filing receipt (**Exhibit B**) was sent from the USPTO. However, once again the actual 1-19-01 filing date was not reflected on the updated filing receipt. Unfortunately, it appears that no one within HP noticed the incorrect filing date on the updated filing receipt until 7/18/06.

The fact that no one noticed the filing date error is in part due to HP procedures. The filing receipt is checked by HP Legal Department's Intellectual Property Administration Group. If an error is noted, the administrative assistant handling the case will typically work to ensure that the error is corrected. Once this initial review process is completed and any requests for correction are submitted, it is assumed that the filing receipt is correct and no further reviews take place.

Applicant respectfully requests that a decision granting a 01/19/2001 filing date be entered. As the error was due to PTO error in the date on the original filing receipt, it is respectfully requested that the petition fee be refunded.

At any time during the pendency of the petition, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,  
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